

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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BAY EQUITY LLC,

Plaintiff,

v.

TOTAL MORTGAGE SERVICES, LLC,  
STEVEN SIRMAIAN, and  
DENISE PEACH,

Defendants.

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C.A. NO. 20-cv-10693-IT

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION  
FOR LEAVE TO FILE REPLY IN SUPPORT OF ITS MOTION  
FOR LEAVE TO TAKE LIMITED JURISDICTIONAL DISCOVERY**

As this Court stated in its May 22, 2020 order denying Plaintiff Bay Equity LLC's ("Bay Equity") Motion for Leave to File a Reply: "Affidavits proffered as support for the [20] Motion to Remand should have been filed with that motion and not after the opposition was filed. The court has two briefs from each side addressing the issue of fraudulent joinder. The court will request additional briefing if needed." Dkt. 28. Despite the Court's clear order that the affidavits were untimely and that no further briefing on fraudulent joinder would be allowed unless specifically requested by the Court, Bay Equity nevertheless re-filed the affidavits, argued that they support its case on the merits, and argued that it now needs jurisdictional discovery to further prove that case. This despite the fact that the Court is not accepting further briefing on the fraudulent joinder issue. Bay Equity now seeks more additional briefing in the form of a reply, including so that it may further argue the importance of the two untimely filed affidavits to its case on the merits.

Bay Equity has had multiple opportunities to argue its case on the fraudulent joinder issue, and now has had the opportunity to present its case for its spurious and untimely motion to take

jurisdictional discovery (for the sole stated purpose of testing the “veracity” of affidavits signed under oath). Enough is enough.

The Court has before it everything it needs to rule on both fraudulent joinder and jurisdictional discovery, and Defendants respectfully request that the Court deny Bay Equity’s Motion for Leave to File a Reply.

Respectfully submitted,

Dated: June 5, 2020

TOTAL MORTGAGE SERVICES, INC.,  
STEVEN SIRMAIAN, and  
DENISE PEACH,

By their attorneys,

/s/ Jared L. Hubbard

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**CERTIFICATE OF SERVICE**

I, Jared L. Hubbard, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 5, 2020.

/s/ Jared L. Hubbard  
Jared L. Hubbard